

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Parts 2, 15, 18 and Other)
Parts of the Commission's Rules to Simplify)
and Streamline the Equipment Authorization)
Process for Radio Frequency Equipment)

ET Docket No. 97-94

Reply Comments of Ericsson Inc.

Ericsson Inc., ("Ericsson") by its attorney, hereby submits its reply comments in the *Notice of Proposed Rule Making* in the above-captioned matter.¹ In support of its reply comments, Ericsson states as follows:

Overview

Initially, Ericsson notes that of all the parties that filed comments in this proceeding not one party disagreed with the underlying Commission goal of streamlining the Commission's equipment authorization rules. Thus, it is quite evident that the Commission's proposal to reduce administrative burdens associated with the equipment authorization process is one which has overwhelming support among those entities subject to the equipment authorization process.

Streamlining Equipment Authorization Procedures

Virtually all parties that filed comments in this proceeding believe the FCC should ensure that any new rules do, in fact, streamline the equipment authorization process.

¹ *In the Matter of Amendments of Parts 2, 15, 18 and Other Parts of the Commission's Rules to Simplify and Streamline the Equipment Authorization Process for Radio Frequency Equipment, Notice of Proposed Rule Making*, 62 FR 24383, ET Docket No. 97-94, FCC 97-84, ___ FCC Rcd ___, (released March 27, 1997) (hereinafter "NPRM").

How that is to be accomplished is subject to differences in opinion. For example, in its own comments Ericsson proposed that the Commission engage in a “zero-based” review of its equipment authorization rules. This is a two-step process in which the first step is an evaluation of each rule to determine if it is absolutely necessary to provide information needed for staff analysis of a device’s compliance with technical standards. If it is not needed, the rule should be eliminated. If a rule is needed, the second step analysis should be conducted. Here, an evaluation should be undertaken to decide if the information required to be submitted can be streamlined or reduced to a greater extent than exists in the current rules. The ultimate purpose of a zero-based review is to ensure that only the information that is absolutely necessary to be submitted in an application for equipment authorization is the information which is required. Otherwise, in the name of streamlining, additional burdens may be imposed on those who file equipment authorization applications. This can lead to longer than necessary staff review of applications which can result in longer, rather than shorter, processing times.

Though no individual party used the specific term “zero-based review,” a number of parties filing comments appear to agree with the concept. For example, the Information Technology Industry Council (“ITIC”) stated that “...simplification [of the FCC’s rules] should not be done at the expense of increasing the certification process requirements that remain applicable to personal computing devices.”² ITIC also noted that under the new rules, computer manufacturers would be required to submit significantly more

² ITIC Comments, p. 4.

documentation than is currently required.³ Rockwell International Corporation (“Rockwell”) noted that “...proposed subsection 2.1033(b)(6) would require a ‘report of measurements’ that appears largely redundant with the requirements proposed in Section 2.1033(d)(ix), which cites procedures in proposed section 2.1099.”⁴ Motorola, Inc. (“Motorola”) wrote that “...the permissive change rules give rise to a lot of internal interpretations as manufacturers wrestle with whether it is necessary to file for authority to make permissive changes or whether an entirely new application must be submitted. Motorola urges the Commission to revise the permissive change rules. The rules stem from an era in which equipment was designed and manufactured differently and did not change as often.”⁵

Ericsson agrees with the comments of ITIC, Motorola⁶ and Rockwell.

Synthesized, these entities are telling the Commission that the first step in streamlining the equipment authorization process is for the FCC to evaluate its current equipment authorization rules.⁷ By engaging in that process, the FCC can significantly reduce the time it takes to process equipment authorization applications.

Electronic Filing

One of the cornerstone proposals in the NPRM is the proposed implementation of electronic filing of equipment authorization applications. In the comments filed in this

³ Id.

⁴ Rockwell Comments, p. 8.

⁵ Motorola Comments, p. 20.

⁶ Though Ericsson agrees with Motorola that the permissive change rules should be changed in general, it does not agree with the specific changes Motorola sets forth in its version of Sections 2.932(a) and (b).

⁷ As set forth in its initial comments, Ericsson proposes that the zero-based review can be a separate rulemaking proceeding or take the form of a further NPRM in this docket. It also believes organizations including but not limited to, TIA, can assist the Commission in what would amount to a “re-write” of the equipment authorization rules.

proceeding there was virtual unanimous consent that electronic filing, at least as an option, should be adopted. As noted in its comments, Ericsson fully agrees. However, consistent with its view and the views of numerous parties filing comments in this proceeding, the Commission needs to ensure that procedures are in place to reduce, not increase, the regulatory burden on those parties that choose to use electronic filing. To make electronic filing as efficient as possible, the Commission should reduce the amount of information required to only that which is absolutely required. This can be accomplished by, among other things, a zero-based review of all existing equipment authorization regulations.

Filing Fees

A factor which has a tremendous impact on the time it takes to process equipment authorization applications is the manner in which filing fees are processed. Ericsson notes that Motorola and the TIA Technical and Regulatory Reform Task force (“TIA”) identified problems created by the current filing fee process. Motorola and TIA proposed a number of innovative methods by which the filing fee process could be streamlined.⁸ Ericsson also identified the filing fee process as problematic in terms of streamlining the equipment authorization process. Accordingly, Ericsson fully supports the comments of Motorola and TIA with regard to this issue. Making the filing fee process more streamlined will certainly reduce some of the delays associated with processing equipment authorization applications.

⁸ TIA Comments, p. 2. Motorola Comments, pp. 6-8.

10 Day Grant Period

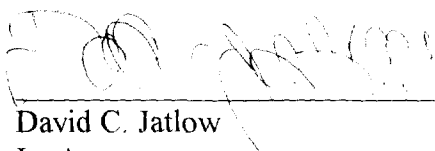
Motorola and TIA also argue that the Commission's goal should be to process equipment authorization applications in 10 days.⁹ Ericsson supports the goal and, like Motorola, believes it can be accomplished if the Commission adopts a number of the proposals in the NPRM. The 10 day goal is one which should be actively pursued since a reduction in the time it takes to process equipment authorization applications is critical to the deployment of new and innovative services in the marketplace.

Conclusion

To put new devices into the marketplace so service providers and consumers can take advantage of the best and newest technologies available, the FCC and industry should redouble their efforts to reduce the processing time of equipment authorization applications to the greatest extent possible. Especially where there is little likelihood of harm to the public, the Commission should aggressively reduce regulatory burdens on manufacturers of equipment.

Respectfully submitted,

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⁹ TIA Comments at p. 2. Motorola Comments, pp. 2-5.

CERTIFICATE OF SERVICE

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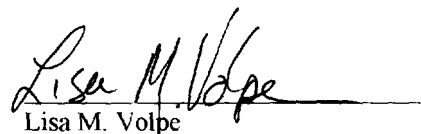
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